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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,664	04/21/2004	Tsutomu Watanabe	3005-55	4931
8933	7590	05/01/2008	EXAMINER	
DUANE MORRIS, LLP			PINHEIRO, JASON PAUL	
IP DEPARTMENT				
30 SOUTH 17TH STREET			ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19103-4196			3714	
			MAIL DATE	DELIVERY MODE
			05/01/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/828,664	WATANABE, TSUTOMU
	<b>Examiner</b>	<b>Art Unit</b>
	JASON PINHEIRO	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 January 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 3-6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 3-6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 January 2008 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

#### DETAILED ACTION

1. After the amendment filed 01/16/2008 claims 1, 3, 4-5 were amended, claim 2 was cancelled and claim 6 was newly added. Therefore claims 1 and 3-6 are pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Parappa The Rapper (Herein referred to as Parappa)

Parappa is a game release by Sony Computer Entertainment, Incorporated in 1997 for the Playstation game console. Each button on the player's controller corresponds to a word, which when combined with the other buttons creates a sentence. Each level provides the player with different words, and different melodies that correspond to the words. The game provides small portions of spoken vocals that are triggered when the appropriate buttons are pressed. Provided for the player is a rhythm bar, which shows the player what order to press the buttons and at what time to push the buttons in order to provide the correct words in a sequence of words. Pressing the buttons in the correct order with the correct timing (the difference between the time the game displays the command to press a certain button and the time the player actually

presses that button), provides an intelligible rap while pressing the buttons in an incorrect order or with lousy timing provides the player with an unintelligible rap, which has a different pitch than if the buttons are pressed in the correct order within the right time (Wikipedia, Lines 8-10). The player is given an overall rating dependent on the accuracy and timing of the player's button actuation which is based on the difference between the time the game commands the player to push a button and the time the player actually presses that button, and if the players rating is high enough the player is allowed to proceed to the next level.

### ***Response to Arguments***

4. Applicant's arguments filed 01/16/2008 have been fully considered but they are not persuasive. The applicant argues that Parappa does not disclose a timing judging procedure that has an accumulated evaluation value computing procedure. The examiner disagrees. Parappa discloses a timing judging procedure that has an accumulated evaluation value computing procedure (as a player plays they are evaluated as to how closely they press each control button as the playback order is played, and an accumulated score based on the players correctness) (GameFAQ's, Section (IV) (Game play), Section 3 and Section 5). Applicant also argues that Parappa does not disclose a pitch that is changed on the basis of the delay of the operation key. The examiner must disagree with this and has further supplied a reference which further describes the game play of Parappa. In the reference it is disclosed that as the player's

timing falters (either too slow or too fast to actuate the correct buttons) the character begins to rap more unintelligible and thusly changes the pitch (Wikipedia, Lines 8-10).

5. Applicant's arguments, see Remarks/Arguments, filed 01/16/2008, with respect to the rejection of claims 1-5 under 35 USC 101 have been fully considered and are persuasive. The rejection of claims 1-5 have been withdrawn.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON PINHEIRO whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM;.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

/J. P./  
Examiner, Art Unit 3714